

17548 U.S. PTO
10/22/03

CERTIFICATE OF EXPRESS MAIL	
NUMBER	<u>EL 831792425 US</u>
DATE OF DEPOSIT	<u>OCTOBER 22, 2003</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.	
 Signature	

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: 11916.0046.DVUS02

**Prior Application Examiner:
Teller, Roy R.**

**Classification Designation:
514-021000**

Prior Group Art Unit: 1654

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/894,058 filed June 28, 2001, entitled "NON-AQUEOUS INJECTABLE FORMULATION PREPARATION WITH pH ADJUSTED FOR EXTENDED RELEASE OF SOMATOTROPIN."

- ☒ 1. Enclosed is a 37 page Specification (including 22 claims and an abstract), drawings (7 figures on 5 sheets), and a true copy of the declaration (as filed in the Application Ser. No. 09/894,058).

- (a) ☒ The inventorship is the same as prior Application Serial No. 09/894,058.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☒ Priority under 35 U.S.C. §119 is hereby claimed to the following provisional patent application, which was filed within 12 months of the prior Application number 09/894,058: United States provisional application SN 60/215,599 filed 30 June 2000. Any necessary certified copies:
- ☐ is enclosed.
- ☒ were filed in the prior Application, Serial No. 09/894,058

- ☒ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f), if required.
- ☐ 3. Enclosed is a check in the amount of _____ to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	22 - 20 =	2	X	\$18.00 = 36.00
Independent Claims	2 - 3 =	0	X	\$86.00 = 0.00
Multiple Dependent Claim(s) -----				\$-0-
TOTAL FILING FEES:				\$806.00
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

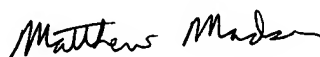
- ☐ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. The Commissioner is authorized to charge the fee of **\$806.00** to Deposit Account No. 01-2508/11916.0046.DVUS02 for the required filing fees. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/**11916.0046.DVUS02**.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.

- ☒ 7. Address all future communications to:
- Matthew L. Madsen
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400
- ☒ 8. The prior application is presently assigned to MONSANTO TECHNOLOGY LLC.
- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 10. Cancel in this application claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. _____ filed _____ --.
- ☐ 12. Enclosed are formal drawings.
- ☒ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☒ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. _____ filed _____, for use in this application. **Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. _____ filed _____. Under 37 C.F.R.**

§ 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☒ 15. Other: Preliminary Remarks.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Matthew Madsen
Reg. No. 45,594
Patent Agent for Assignee
MONSANTO TECHNOLOGY LLC.

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750 Bering Drive
Houston, Texas 77057-2198
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Date: October 22, 2003